



New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	122	Manual of Requirements for Child Care Centers	8/6/2009
Subchapter:	4	Staff Requirements	
Section	9	Child Abuse Record Information background check procedures (N.J.A.C. 10:122-4.9)	

§10:122-4.9 Child Abuse Record Information background check procedures

(a) As a condition of securing a new or renewal license or Certificate of Life/Safety Approval, the sponsor/sponsor representative shall provide for himself or herself, and shall obtain from all staff members who are or will be working at the center on a regularly scheduled basis, written consent for the Department to conduct a Child Abuse Record Information (CARI) background check to determine whether an incident of child abuse and/or neglect has been substantiated against any such person.

1. The sponsor/sponsor representative and each staff member shall complete a signed consent form provided by the Department that indicates the identifying information necessary to conduct a CARI background check, including the person's name, address, date of birth, sex, race, and Social Security number. Pursuant to the Federal Privacy Act of 1974 (P.L. 93-579), the Department will advise each such person that the disclosure of his or her Social Security number is voluntary, and that the Social Security number will only be used for the purpose of conducting a CARI background check.

2. If a staff member refuses to consent to a CARI background check, the sponsor/sponsor representative shall immediately terminate the staff member's employment at the center.

3. If the sponsor/sponsor representative refuses to consent to a CARI background check, the Department shall deny the application or suspend, revoke, or refuse to renew the License or Certificate of Life/Safety Approval, as applicable. The sponsor/sponsor representative may appeal the denial, suspension, revocation, or refusal to renew to the Department, as specified in N.J.A.C. 10:122-2.5.

(b) When the center applies for a new or renewal license or Certificate of Life/Safety Approval, the sponsor/sponsor representative shall submit to the

Department the completed CARI consent forms for all staff members who are or will be working at the center on a regularly scheduled basis.

1. Within two weeks after a new staff member begins working at the center, the sponsor/sponsor representative shall submit to the Department a completed CARI consent form for the new staff member.

2. Until the results of the CARI background check for a new staff member have been received from the Department, the center shall ensure that a current staff member is present whenever the new staff member is caring for children at the center.

(c) When the sponsor/sponsor representative submits the CARI consent forms to the Department, the sponsor/sponsor representative shall enclose payment of \$ 10.00 for each CARI background check, in the form of a check or money order from the center made payable to "Treasurer, State of New Jersey." The center may use its own discretion in offering to pay or reimburse the staff member for the cost of the CARI background check.

(d) Upon receipt of the completed CARI consent forms and payment from the center, the Department will conduct a search of its records for substantiated incidents of child abuse and/or neglect. The Department will consider incidents of child abuse and/or neglect that were substantiated on or after June 29, 1995, to ensure that the perpetrator has had an opportunity to appeal a substantiated finding of child abuse and/or neglect; except that the Department may consider substantiated incidents prior to that date if the Department, in its judgment, determines that the perpetrator poses a risk of harm to children in a child care center.

(e) Within 45 working days of receipt of the completed CARI consent forms and payment from the center, the Department will inform the sponsor/sponsor representative in writing as to whether a substantiated incident of child abuse and/or neglect by the sponsor/sponsor representative or a staff member has been found. If such an incident has been found, the Department will inform the sponsor/sponsor representative in writing of the name of the perpetrator.

(f) If the CARI background check does not reveal any substantiated incident of child abuse and/or neglect by the sponsor/sponsor representative or a staff member, the Department may issue or renew the regular license or Certificate of Life/Safety Approval, provided that all other applicable requirements of this chapter have been met.

(g) If the CARI background check reveals that an incident of child abuse and/or neglect has been substantiated against a staff member, the sponsor/sponsor representative shall immediately terminate the staff member's employment at the center.

1. The sponsor/sponsor representative shall notify the staff member in writing that the termination of employment is based on a substantiated incident of child abuse and/or neglect.

2. If the incident was substantiated prior to June 29, 1995, the sponsor/sponsor representative shall notify the staff member in writing that the staff member may appeal the termination of employment to the Department.

(h) If the CARI background check reveals that an incident of child abuse and/or neglect has been substantiated against the sponsor/sponsor representative, the Department will deny the application or revoke or refuse to renew the license or Certificate of Life/Safety Approval, as applicable. The sponsor/sponsor representative may appeal the denial, revocation, or non-renewal to the Department, as specified in N.J.A.C. 10:122-2.5.

(i) In keeping with the confidentiality provisions of the State Child Abuse and Neglect Law, N.J.S.A. 9:6-8.10a, the sponsor/sponsor representative and all staff members shall keep all completed CARI consent forms and related correspondence confidential.

1. The center shall maintain the results of the CARI background checks and related correspondence on file in a confidential manner.

2. When a substantiated incident of child abuse and/or neglect by the sponsor/sponsor representative or a staff member has been found by the Department, the sponsor/sponsor representative and the staff member shall not disclose to any other person the identity of the perpetrator or any other information concerning the incident.